

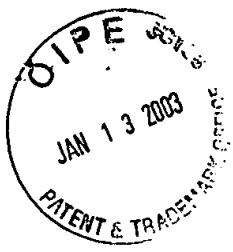
### **REMARKS**

Applicants confirm that claim 36 has been elected for prosecution in this application. This claim corresponds to that embodiment of the invention which is illustrated in Figures 20-24.

Claim 36 has been amended in order to overcome the rejection under 35 U.S.C. 112. Applicants however disagree that the term "said first and second arched-shaped elasticized barrier layers" in lines 22-23 of this claim lacks proper antecedent. Paragraph (d), lines 12-18 of the claim expressly recites "two arched-shaped elasticized barrier layers; a first generally concave elasticized barrier layer . . . and a second generally convex elasticized barrier layer . . ." This provides sufficient antecedent for the term objected to by the Examiner. Therefore, reconsideration is requested of the rejection under 35 U.S.C. 112.

Reconsideration is also requested of the rejection of claim 36 for anticipation under 35 U.S.C. 102(b) over U.S. Patent No. 4,753,646 issued June 28, 1988 to Kenneth M. Enloe (hereinafter the "Enloe Patent"). The Examiner is requested to withdraw this rejection since the Enloe Patent does not support a rejection under 35 U.S.C. 102(b) nor does it support a rejection under 35 U.S.C. 103.

In rejecting applicants' claimed invention over the Enloe Patent, the Examiner has focused only on some similarities of the two structures, but has ignored or misinterpreted the differences. Enloe discloses a diaper having at least one flap which is attached to the end portion of the diaper to form the waist with the flap forming a waist containment pocket. The article of claim 36, however, requires the use of two arched-shaped elasticized barrier layers which intersect each other (see Figure 20) to form a double barrier layer on the top sheet of the article. Such structure is not disclosed, shown, or even suggested by Enloe.



On page 5 of the Office Action, the Examiner has made certain inquiries which are set forth below, followed by applicants' answer or explanation.

Page 5, lines 6-7, "Do the elasticized barrier layers intersect the topsheet, the longitudinal sides, each other, etc.?"

As it clearly appears from the claim, the barrier layers intersect each other.

Page 5, lines 12-14, "Does the applicant intend for the retaining enclosure to be positioned between the topsheet and the backsheet or between the barrier layer and the topsheet?"

The retaining enclosure is between the barrier layer and the top sheet.

Page 5, lines 18-20, "Does the applicant intend to claim 4 barrier layers or two arched-shape elasticized barrier layers comprising a first and second elasticized barrier layer?"

Claims 36, part (h) specifically refers to two elasticized barrier layers.

In view of the foregoing amendment of claim 36 and the responses to the Examiner's inquiries, the Examiner is requested to reconsider the rejection and issue a favorable action.

Respectfully submitted,

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